S.B. Criminal Misc. Bail Application No.3971/2006
Date : 11.09.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. B.S. Deora for the applicants.

Mr. Vishnu Kachhawha, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that the applicants and the deceased both are by caste Bheel and belonging to Schedule Tribe community. It is submitted that on account of dispute, fighting took place between the parties. According to learned counsel, so far as present applicants are concerned, there appears no role played by them in relation to causing death of deceased Samira and injuries to injured Maniya. He further submits that in postmortem report two injuries were shown on back of the deceased and one injury on back of the injured. He also submits that witness Smt. Bimla specifically stated the role played by the accused applicants and she has not stated that the accused applicants inflicted injury which resulted in death of the deceased.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully perused the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants (1) Fojiya son of Lallu (2) Kupa son of Lallu (3) Ramesh son of Kaliya (4) Deva son of Ladu and (5) Laxman son of Ladu shall be released on bail in FIR No.38/2006 P.S. Rohida, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant